

# House File 283

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 93)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the enforcement of a restitution judgment  
2 against a person convicted of a criminal offense.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1157HV 82  
5 jm/es/88

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1 1 Section 1. Section 627.6A, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. Notwithstanding the provisions of section 627.6, a  
1 4 debtor shall not be permitted to claim exemptions with regard  
1 5 to payment or a portion of payment under a pension, annuity,  
1 6 individual retirement account, profit-sharing plan, universal  
1 7 life insurance policy, or similar plan or contract due to  
1 8 illness, disability, death, age, or length of service for  
1 9 ~~child, spousal, or medical support. the following:~~  
1 10 a. Child support.  
1 11 b. Spousal support.  
1 12 c. Medical support.  
1 13 d. Victim restitution ordered pursuant to chapter 910  
1 14 while the debtor is committed to the custody of the director  
1 15 of the department of corrections and confined in a  
1 16 correctional facility.  
1 17 (1) The victim restitution to be collected and forwarded  
1 18 from the pension fund, annuity, individual retirement account,  
1 19 profit-sharing plan, universal life insurance policy, or  
1 20 similar plan or contract due to illness, disability, death,  
1 21 age, or length of service that is exempt from income tax under  
1 22 the Internal Revenue Code shall be subject to the restrictions  
1 23 placed upon the amount and timing of such assignments under  
1 24 the Internal Revenue Code and regulations, as determined by  
1 25 the plan administrator.  
1 26 (2) Victim restitution shall only be collected and  
1 27 forwarded pursuant to this paragraph after any monthly child  
1 28 support, spousal support, and medical support have been  
1 29 collected and forwarded.  
1 30 Sec. 2. NEW SECTION. 822.9A ENFORCEMENT OF A JUDGMENT OF  
1 31 RESTITUTION UPON FILING OF AN APPLICATION OR APPEAL.  
1 32 The filing of an application pursuant to this chapter or  
1 33 any appeal from the final judgment shall not operate to stay  
1 34 the enforcement of a judgment of restitution for criminal  
1 35 activities ordered pursuant to section 910.2.

### EXPLANATION

2 1 This bill relates to enforcement of a restitution judgment  
2 2 against a person convicted of a criminal offense.  
2 3 Under the bill, payments under a pension or other similar  
2 4 plan concerning illness, disability, death, age, or length of  
2 5 service of a person confined in a state correctional facility  
2 6 are subject to execution if restitution has been ordered  
2 7 pursuant to Code chapter 910. Under current law, a person may  
2 8 only execute a judgment against a pension or other related  
2 9 plan of a person confined at a correctional institution if the  
2 10 judgment is for child, spousal, or medical support.  
2 11 Victim restitution to be collected and forwarded under the  
2 12 bill to the victim is subject to restrictions placed upon the  
2 13 amount and timing of the assignment by the Internal Revenue  
2 14 Code, as determined by the plan administrator. Restitution  
2 15 shall only be collected and forwarded to the victim under the  
2 16 bill after any monthly child, spousal, and medical support  
2 17 have been paid.  
2 18

2 19 The bill provides that the enforcement of a judgment of  
2 20 restitution against an offender is not stayed by the filing of  
2 21 an application for postconviction relief or any appeal from  
2 22 the final judgment of a postconviction action.  
2 23 LSB 1157HV 82  
2 24 jm:rj/es/88